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## No. S 706

### FOREIGN EMPLOYEE DORMITORIES ACT 2015

#### FOREIGN EMPLOYEE DORMITORIES (PRESCRIBED ASSOCIATES) REGULATIONS 2022

##### ARRANGEMENT OF REGULATIONS

###### Regulation

1. Citation and commencement
  2. Prescribed associates of applicant who is an individual
  3. Prescribed associates of applicant which is a body corporate
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In exercise of the powers conferred by section 34 of the Foreign Employee Dormitories Act 2015, the Minister for Manpower makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Foreign Employee Dormitories (Prescribed Associates) Regulations 2022 and come into operation on 31 August 2022.

#### **Prescribed associates of applicant who is an individual**

2.—(1) For the purposes of section 9(4) of the Act, where an applicant (*A*) is an individual —

(a) an individual (*B*) is an associate of *A* —

- (i) if *B* is a relative, or spouse of a relative, of *A* or *A*'s spouse;
- (ii) if *B* is in partnership with *A*;
- (iii) if *A* is the relative of any other person with whom *B* is in partnership, or *B* is the relative of any other person with whom *A* is in partnership; or
- (iv) if *B* has control over *A*; and

(b) an entity (*C*) is an associate of *A* if *A* is or was a company director, managing director, chief executive officer, manager, partner or sole proprietor of *C*.

(2) In this regulation —

(a) “relative” has the meaning given by section 2(1) of the Act;

(b) any reference to a spouse includes a former spouse;

(c) for the purpose of paragraph (1)(a)(iv), *B* is taken to have control over *A* if *A* is accustomed to act in accordance with *B*’s directions or instructions; and

(d) “entity” means any sole proprietorship, partnership or body corporate, with or without limited liability.

### **Prescribed associates of applicant which is a body corporate**

3.—(1) For the purposes of section 9(4) of the Act, where an applicant (*D*) is a body corporate —

(a) an individual (*E*) is an associate of *D* —

(i) if *E* has control over *D* or if *E* and persons who are *E*’s associates together have control over *D*;

(ii) if *E* has a significant interest in *D* or if *E* and persons who are *E*’s associates together have a significant interest in *D*; or

(iii) if *E* is or was a company director, managing director, chief executive officer or manager of *D* or *D*’s subsidiary or holding company; and

(b) a body corporate (*F*) is an associate of *D* —

(i) if *F* has control over *D* or if *F* and persons who are *F*’s associates together have control over *D*;

(ii) if *F* has a significant interest in *D* or if *F* and persons who are *F*’s associates together have a significant interest in *D*; or

(iii) if *F* is a subsidiary of *D* or if *F* is the holding company of *D*.

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(2) In this regulation, “subsidiary” and “holding company” have the meanings given by section 5 of the Companies Act 1967.

(3) For the purposes of paragraphs (1)(a)(i) and (1)(b)(i), *E* or *F* (as the case may be) is taken to have control of *D* if —

- (a) the directors of *D* or of another body corporate which has control of *D* (or any of the directors) are accustomed to act in accordance with *E* or *F*’s directions or instructions, as the case may be;
- (b) *E* or *F* (as the case may be) holds the right, directly or indirectly, to appoint or remove the directors or equivalent persons of *D* who hold a majority of the voting rights at meetings of the directors or equivalent persons on all or substantially all matters; or
- (c) *E* or *F* (as the case may be) is entitled to exercise, or control the exercise of, 25% or more of the voting power at any general meeting of *D* or of another body corporate which has control of *D*,

and where 2 or more persons together satisfy sub-paragraph (a), (b) or (c), they are taken to have control of *D*.

(4) For the purpose of paragraphs (1)(a)(ii) and (1)(b)(ii), *E* or *F* (as the case may be) is taken to have a significant interest in *D* if —

- (a) where *D* is a body corporate having a share capital —
  - (i) *E* or *F* (as the case may be) has an interest in more than 25% of the shares in *D*; or
  - (ii) *E* or *F* has an interest in one or more voting shares in *D*, and the total votes attached to that share, or those shares, is more than 25% of the total voting power in *D*,

and where 2 or more persons together satisfy sub-paragraph (i) or (ii), they are taken to have a significant interest in *D*; and

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(b) where *D* is a body corporate that does not have a share capital, *E* or *F* (as the case may be) holds, whether directly or indirectly, a right to share in more than 25% of the capital, or more than 25% of the profits, of *D*.

Made on 25 August 2022.

CHIA DER JIUN  
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[FMMD/Legislation/FEDA/Subsidiary Legislation/Prescribed  
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(To be presented to Parliament under section 34(6) of the Foreign  
Employee Dormitories Act 2015).